

ESTTA Tracking number: **ESTTA1114243**

Filing date: **02/12/2021**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92025859
Party	Plaintiff Empresa Cubana Del Tabaco d.b.a Cubatabaco
Correspondence Address	MICHAEL R. KRINSKY RABINOWITZ BOUDIN STANDARD KRINSKY & LIEBERMAN PC 14 WALL ST, STE 3002 NEW YORK, NY 10005 UNITED STATES Primary Email: mkrinsky@rbskl.com Secondary Email(s): dgoldstein@rbskl.com, lfrank@rbskl.com 212-254-1111
Submission	Testimony For Plaintiff
Filer's Name	Lindsey Frank
Filer's email	lfrank@rbskl.com, mkrinsky@rbskl.com, dgoldstein@rbskl.com
Signature	/Lindsey Frank/
Date	02/12/2021
Attachments	Declaration of Dean J. Gluth.PDF(4817848 bytes)

2. On January 18, 2021, I went to the Plaza Mini-Mart located at 5022 W. Lawrence Avenue in Chicago, Illinois and asked the clerk at the store if they sold Cohiba cigars. They showed me a box of Cohiba Blue cigars. Attached hereto as Annex 1 are true and correct copies

of photographs I took of the outside of the Plaza Mini-Mart and the Cohiba cigars I was shown there.

3. I purchased two of the Cohiba Blue cigars that the clerk showed me. Attached hereto as Annex 2 are true and correct copies of the cigars I purchased from the Plaza Mini-Mart and the receipt for same. Each Cohiba Blue cigar cost \$11.99.

4. On January 18, 2021, prior to physically going to the Plaza Mini-Mart, I had visited the website for the Plaza Mini-Mart – <http://plazaminimart.com/>. This website indicates that the Plaza Mini-Mart is located at 5022 W. Lawrence Avenue in Chicago, Illinois (the same location I visited). It shows the following image on its homepage and under the “Category” of “Fine cigars”:



5. I told the clerk that the Plaza Mini-Mart’s website showed a Cohiba Siglo II cigar and asked if they sold that Cohiba cigar as well. The clerk said that they did not have any in stock but they could get some if I wanted. I did not ask them to get me that cigar.

Executed on: February 3, 2021
Carpentersville, Illinois

By: _____

Dean J. Gluth

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

DECLARATION OF DEAN J. GLUTH

ANNEX 1

Name of the Party Offering the Exhibit: Empresa Cubana del Tabaco d.b.a. Cubatabaco







**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309
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EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

DECLARATION OF DEAN J. GLUTH

ANNEX 2

Name of the Party Offering the Exhibit: Empresa Cubana del Tabaco d.b.a. Cubatabaco



***** STORE COPY BELOW *****

Plaza Mini Mart
5022 W Lawrence
Chicago, IL 60630
PH: (773) 685-3983

INVOICE# 59032
Closed to Credit Card Purchase
DATE/TIME: 1/18/2021 1:29:27 PM
CASHIER: test
STATION: 01

Item Count: 3

CREDIT CARD PURCHASE \$26.40
Card Type: MasterCard
*****8074 XX/XX
Name: GLUTH, D.
Transaction Type: PURCHASE
Ref Num: HPL2T109F
Auth Code: 078222
Card Entry Method : Swiped
AP078222

Signature: _____